

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	23-cr-00405-LDH
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	Tuesday, February 27, 2024
CHARLES LIMMER,	:	
Defendant.	:	

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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEA  
BEFORE THE HONORABLE VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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1           THE COURTROOM DEPUTY: Criminal cause for pleading  
2 in United States of America versus Charles Limmer, docket  
3 number 23-cr-405.

4           Counsel, please state your appearances, beginning  
5 with the government.

6           MR. SHERMAN: Good afternoon, Your Honor.

7           Sean Sherman, Assistant United States Attorney, on  
8 behalf of the government. With me at counsel table is Fish  
9 and Wildlife Service Special Agent Lucia Ortiz.

10          THE COURT: Good afternoon.

11          MS. WONG: Good afternoon, Your Honor.

12          Appearing for defendant, Charles Limmer, Renee Wong.  
13 Mr. Limmer is seated presently to my left.

14          THE COURT: Okay. I'm Judge Scanlon. We're here  
15 for a change of plea hearing. Let me first make sure that  
16 everyone has the same paperwork. So I have a copy of the  
17 indictment.

18          It was filed with the Court on October 10th of 2023.  
19 I have a copy of the consent of plea taken before a magistrate  
20 judge. We'll go over that in a few minutes. I have the  
21 elements sheet that was provided by the government.

22          It doesn't have a date on it, but that was provided.  
23 I have a copy of the plea agreement, which I've marked as  
24 Court Exhibit 1.

25          (Court's Exhibit 1 was received in evidence.)

1               So both sides, do you have a copy of the same  
2 paperwork?

3               MR. SHERMAN: Yes, Your Honor.

4               MS. WONG: Yes, Your Honor.

5               THE COURT: You can stay seated, unless there is  
6 something in particular that I ask you to stand for.

7               MS. WONG: Thank you.

8               THE COURT: So let me start with questions for the  
9 government. Are there any victims of the offenses, and if so  
10 has the government notified them of today's hearing and their  
11 right to attend and be heard?

12              MR. SHERMAN: Your Honor, this is not a victim case.

13              THE COURT: Okay. So Mr. Limmer, there is a lot of  
14 stages of today's proceeding. I'm going to be providing you  
15 with some information, and I'll also be asking you some  
16 questions before we get to the change of plea.

17              So what is proposed that you're going to do here  
18 today, which is to plead guilty two one of the counts in the  
19 indictment, is a serious decision. So my role here is to make  
20 sure you understand all of your rights and the consequences of  
21 your plea.

22              As we go along, I'm going to have to ask you some  
23 questions, and that's going to require that your answers be  
24 made under oath. So going to first check in with my law clerk  
25 and ask do you have the oath.

1 THE LAW CLERK: Yes, Your Honor.

2 THE COURT: She is going to administer an oath to  
3 you. You can stand up. Are you okay standing?

4 THE DEFENDANT: I'm okay.

5 THE LAW CLERK: Please raise your right hand, Mr.  
6 Limmer.

7 (Defendant sworn.)

8 THE LAW CLERK: Please your name for the record.

9 THE DEFENDANT: Charles Mark Limmer.

10 THE COURT: Thank you. You can have a seat. Are  
11 you okay?

12 THE DEFENDANT: Yes, I'm okay.

13 THE COURT: You can put your hand down. There is  
14 two microphones on that table. Why don't we pull one in front  
15 of you and one in front of your lawyer.

16 So as we go along today, if you have any trouble  
17 hearing me, let me know. All right?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that having just  
20 agreed to that oath your answers to my questions are now  
21 subject to the penalty of perjury, or making a false  
22 statement, if you don't give me a truthful answer to my  
23 questions?

24 THE DEFENDANT: Understood.

25 THE COURT: So if you answer any of my questions

1 falsely today, the government might decide to prosecute you  
2 for perjury, or making up -- for the crime of perjury or  
3 making a false statement. They could use any of your false  
4 statements today during that prosecution.

5 Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT: So I just want to confirm, this case is  
8 assigned to a district judge, Judge DeArcy Hall. She's the  
9 judge who will make the ultimate decision as to whether to  
10 accept your plea, and if she does, to give you your sentence.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: You have the absolute right to have  
14 change of plea before Judge DeArcy Hall instead of before me  
15 and there won't be any prejudice to you.

16 THE DEFENDANT: What does the change of plea mean?

17 MS. WONG: Taking the plea.

18 THE COURT: Let me just remind you. You have your  
19 attorney here. If you want to have a conversation with your  
20 attorney, that's fine. It might be helpful if you let me know  
21 if you're going to have a conversation, or at least turn off  
22 the microphones because I can hear what you're saying if the  
23 microphones are on.

24 So a change of plea is when this case got moving and  
25 that indictment, one of the documents I mentioned, was issued

1 and the case started in that way against you with the  
2 indictment, then you entered a plea of not guilty.

3 So when I say a change of plea, what has been  
4 suggested to me is that after you get all the information that  
5 you need and have time to think about it, that you may want to  
6 plead guilty to at least one of the offenses in the  
7 indictment.

8 THE DEFENDANT: I understand.

9 THE COURT: So just to go back to the district  
10 judge. You can have the proceeding before Judge DeArcy Hall  
11 or you can do it before me, if you would like.

12 So as you can see, we have a court reporter here.  
13 She's taking down everything that everyone is saying. At the  
14 end of the proceeding, she'll prepare a transcript and that  
15 transcript will be provided to the district judge, and then  
16 the judge will read it and make a decision as to whether to  
17 accept your plea. If she does, then she'll decide how to  
18 sentence you.

19 Okay?

20 THE DEFENDANT: Yes.

21 THE COURT: As we go along, if I ask you questions,  
22 if you're going to give me an answer, you need to say the  
23 answer out loud because the court reporter is typing it all.

24 Your client doesn't look so great. This is the  
25 first time I've met him. Is he feeling okay?

1 MS. WONG: Your Honor, he has a number of medical  
2 conditions, including generalized anxiety disorder. This is  
3 very stressful for him. I've spent hours preparing him for  
4 this, and I do believe that he is prepared to go forward.

5 THE COURT: So Mr. Limmer, if you need to take a  
6 break, we can do that.

7 THE DEFENDANT: No. I want to get this finished.

8 THE COURT: Okay. My job here is to provide you  
9 with the information and to take your responses to my  
10 questions and your lawyer's responses to my questions, but we  
11 just picked a day. If we need to pick it up, the conversation  
12 with the government about whether continuing it another day is  
13 what you want to do.

14 Okay. Back to Judge DeArcy Hall. Two judges, I'm  
15 helping her with this case. You have the option of having me  
16 listen to the change of plea. So do you want to go ahead with  
17 this change of plea before me and give up your right to do it  
18 before the other judge?

19 THE DEFENDANT: You're fine, Your Honor.

20 THE COURT: Are you deciding to that voluntarily and  
21 of your own free will?

22 THE DEFENDANT: Yes.

23 THE COURT: Has anyone made any threats or promises  
24 to you to get you to agree to proceed before me?

25 THE DEFENDANT: No.

1           THE COURT: I'm holding up this form. This is one  
2 of the ones I mentioned that has consent of a plea taken  
3 before me. Did you read this form?

4           THE DEFENDANT: Yes.

5           THE COURT: Do you understand it?

6           We can show it to you. I'm going to ask my law  
7 clerk to show it to you.

8           THE DEFENDANT: Okay.

9           THE COURT: You read that form?

10          THE DEFENDANT: Yes, I just read that before.

11          THE COURT: Do you understand it?

12          THE DEFENDANT: Yes.

13          THE COURT: Did you have enough time to go over it  
14 with your lawyer?

15          THE DEFENDANT: Yes.

16          THE COURT: And let me just get the original form  
17 back. And for your lawyer, did you sign the form?

18          MS. WONG: Yes, I did, Your Honor.

19          THE COURT: And for the government, did you sign the  
20 form?

21          MR. SHERMAN: Yes, Your Honor.

22          THE COURT: Based on what has been said by the  
23 lawyers and Mr. Limmer, I believe he understands his right to  
24 proceed before a district judge and he's waiving that right.  
25 So I also am going to sign the form. We'll file that on the



1 court's docket.

2 Mr. Limmer, I'm going to ask you some background  
3 questions. I'm going to start with the basics. What is your  
4 full name?

5 THE DEFENDANT: Charles Mark Limmer.

6 THE COURT: How old are you?

7 THE DEFENDANT: 76.

8 THE COURT: What is your highest level of education?

9 THE DEFENDANT: I was in a master's program, two.  
10 So I went through a bachelor's and a bachelor's, and I have 46  
11 and a half master's credits.

12 THE COURT: Where were you studying?

13 THE DEFENDANT: Cortland State University.

14 THE COURT: What were you studying, what field?

15 THE DEFENDANT: I studied biological sciences and  
16 species, speciation and species diversity.

17 THE COURT: Let me ask a different kind of  
18 background question. Your lawyer already touched on this.  
19 Are you suffering from any mental or physical illnesses?

20 THE DEFENDANT: I have a long list of medical  
21 problems.

22 THE COURT: Your lawyer has some paperwork. I need  
23 to ask you about them. If you agree the paper is right, maybe  
24 your lawyer can read them into the record and I'll ask follow  
25 up.

1 Does that work?

2 THE DEFENDANT: I didn't understand.

3 MS. WONG: Is it okay if I ask the questions about  
4 the paperwork?

5 THE DEFENDANT: Yes.

6 THE COURT: I need to know that you're in good  
7 enough mental and physical health to go ahead with this,  
8 because it's a big decision. So I need to know what your  
9 medical conditions are.

10 THE DEFENDANT: Yes, I'm okay today. I'm having a  
11 good day because the temperature is good.

12 THE COURT: Let me ask your attorney to read the  
13 list of your medical conditions, and if there's anything --

14 MS. WONG: Your Honor, I don't have the medical  
15 conditions. I have the names of six different treating  
16 physicians.

17 He is being treated for his cardiology,  
18 endocrinology, ophthalmology.

19 THE COURT: What was the third one?

20 MS. WONG: Ophthalmology.

21 THE COURT: Eyes?

22 MS. WONG: Eyes. Rheumatology. He does have  
23 diabetes, which is being monitored, and he has, as we  
24 discussed, generalized anxiety disorder. I have a list of 16  
25 medications that he's taking, prescribed medications, under

1 the care of his doctors, which I can read into the record, if  
2 you would like.

3 THE COURT: Yes.

4 MS. WONG: Number one is insulin, NovoLog insulin.  
5 Number two is Lantus insulin. Number three is Metoprolol.  
6 Number four is Ramipril. Five is Fenofibrate. Six is  
7 Tamsulosin.

8 Seven is Diazepam. Eight is Atorvastatin. Nine is  
9 Pennsaid topical ointment. Eleven is Albuterol. Twelve is  
10 Flovent. Fourteen is Hydrocodone-Acetaminophen.

11 Fifteen is Presolol, as well as a daily  
12 multi-vitamin. I don't believe I mentioned previously that he  
13 also has COPD and asthma.

14 THE DEFENDANT: For which I take Symbicort. It's  
15 not down there. Symbicort is like Flovent. They're steroidal  
16 inhalers.

17 THE COURT: Okay.

18 MS. WONG: Also Xanax, which is prescribed for his  
19 anxiety disorder.

20 THE COURT: Okay. Let's talk about the conditions.  
21 Do any of your medical conditions, meaning do any of your  
22 physical conditions, would they interfere with your ability to  
23 understand today's proceedings?

24 THE DEFENDANT: No. I am not cognitively impaired.

25 THE COURT: Do any of the mental health conditions

1 that you have, would they interfere with your ability to  
2 understand these proceedings?

3 THE DEFENDANT: I understand verbally everything you  
4 say to me. I understand exactly what you're saying.

5 THE COURT: Do you understand your interactions with  
6 your attorney?

7 THE DEFENDANT: Absolutely. She puts me at ease.

8 THE COURT: That's good.

9 You listed a series of medicines, and we added  
10 Xanax. Was it Xanax? Wrong medicine. What was it? Somebody  
11 in the background.

12 MS. WONG: I'm sorry. Valium.

13 THE COURT: Valium. So let me restate the question.  
14 Your lawyer listed a series of medicines, and also added  
15 Valium to that.

16 Is anything about any of these medicines that would  
17 interfere with your ability to understand today's proceedings?

18 THE DEFENDANT: Not that I know of.

19 THE COURT: Are you current on taking the prescribed  
20 medicines, meaning if you were supposed to have taken a dose  
21 today, did you take the dose today; if you were supposed to  
22 have taken it yesterday but not today, did you take it  
23 yesterday?

24 THE DEFENDANT: My wife was a nurse for 40 years.  
25 She's on top of it every minute of the day.

1           THE COURT: Is that the person in the back who  
2 corrected the name of the medicine?

3           THE DEFENDANT: That's Susan Limmer, yes.

4           THE COURT: With your wife's help, are you current  
5 with all of the medicines that you need to take?

6           THE DEFENDANT: Yes. Now, when it comes to insulin,  
7 I'm an uncontrolled diabetic. So right now, for instance, I  
8 am having a small problem but it doesn't affect me mentally.

9           THE COURT: We don't want anything to affect you  
10 physically. Do you need sugar? Do you need insulin?

11           THE DEFENDANT: I take candy when I'm dropping too  
12 fast. I take insulin. I'm good to go, and if I'm not I will  
13 inject some insulin.

14           THE COURT: Okay. So you should let us know if you  
15 need anything. If your concentration waivers, or if there's  
16 any problem both for your health and for your ability to  
17 understand these proceedings. Okay?

18           THE DEFENDANT: I appreciate your concern and I  
19 thank you.

20           THE COURT: Do you have any untreated medical  
21 conditions, obviously, that you know of?

22           THE DEFENDANT: I have stress induced anxiety, which  
23 is exacerbated by the temperature outside. It puts me into an  
24 asthmatic fit. So sometimes I might pass out, but only if I'm  
25 cold.

1 THE COURT: Okay. So you're doing okay right now?

2 THE DEFENDANT: Yes. Today is a good day.

3 THE COURT: Besides the stress anxiety interaction  
4 with the asthma, do you have any other medical conditions that  
5 we haven't touched on?

6 THE DEFENDANT: You mentioned I have osteoarthritis.  
7 My bones are growing through my skin. If you want to take a  
8 look, you haven't seen any of these.

9 THE COURT: Your hands are a bit stiff as you hold  
10 them up there.

11 Do you take any treatment for the osteoarthritis?

12 THE DEFENDANT: Yes. I get injections of steroids  
13 from Dr. Khan and it's a long Indian name.

14 THE COURT: Is osteoarthritis causing you pain right  
15 now?

16 THE DEFENDANT: Only in my left hand.

17 THE COURT: Is it distracting you from focusing on  
18 today's proceeding?

19 THE DEFENDANT: No.

20 THE COURT: Is there anything about the steroid  
21 injections that would interfere with your ability to  
22 understand today's proceeding?

23 THE DEFENDANT: Not one bit.

24 THE COURT: So we have the conditions and what  
25 doctors are helping you with your conditions. We have the

1 medicines, that we've discussed. We have the osteoarthritis  
2 and the anxiety stress that interacts with the asthma.

3 Do you have any other medical conditions, whether  
4 it's physical or mental health related?

5 THE DEFENDANT: No, I do not. Overriding all that  
6 is strictly the uncontrolled diabetes, which puts a limit on  
7 my longevity.

8 THE COURT: Sorry about that. Hopefully you can  
9 continue to work on it. I can tell some of these medicines  
10 are related to diabetes on the list you read.

11 I already asked you, were you up-to-date on what  
12 you're supposed to be taking in terms of the prescription  
13 medicine.

14 THE DEFENDANT: Absolutely.

15 THE COURT: Have you taken any other medicine or  
16 drugs in the last 24 hours?

17 THE DEFENDANT: Not in the last 24 years.

18 THE COURT: That's helpful.

19 How about any alcohol in the last 24 hours?

20 THE DEFENDANT: That is a never.

21 THE COURT: It's contraindicated for a lot of those  
22 conditions that you mentioned. Have you ever been  
23 hospitalized or treated for a drug addiction or alcoholism?

24 THE DEFENDANT: No.

25 THE COURT: Have you ever been hospitalized for any

1 mental health issues?

2 THE DEFENDANT: Not yet.

3 THE COURT: Do you have any, in the course of this  
4 case, did you have any difficulty communicating with your  
5 attorney?

6 THE DEFENDANT: Not at all.

7 THE COURT: Is your mind clear as you sit here  
8 today?

9 THE DEFENDANT: I am as fit as I can be.

10 THE COURT: If anything changes as we go along, for  
11 whatever reason, including your sugar is going up and down,  
12 let us know. We'll let you take the opportunity to treat that  
13 and see if we can continue either today or another day.

14 THE DEFENDANT: Understood.

15 THE COURT: You're checking your glucose monitor?

16 THE DEFENDANT: Yes.

17 THE COURT: I'm going to go over some questions  
18 related to your right to have an attorney. As a defendant in  
19 a criminal case, you have the right to be represented by an  
20 attorney at every stage of your criminal case, including at  
21 today's proceeding. If you can't afford an attorney, the  
22 Court will appoint one to represent you.

23 Counsel, are you appointed or retained?

24 MS. WONG: I am retained, Your Honor.

25 THE COURT: Your attorney is sitting next to you.



1 If at any time you need to speak with her, let me know and  
2 we'll let you do so.

3 Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: And I already asked you but let me  
6 confirm, you have no difficulty communicating with your  
7 attorney; is that correct?

8 THE DEFENDANT: That is correct.

9 THE COURT: Have you had enough time to discuss your  
10 case with your attorney, including the decision to enter a  
11 guilty plea?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you fully satisfied with the  
14 representation and advice that your attorney has provided for  
15 you in this case?

16 THE DEFENDANT: I think so, yes.

17 THE COURT: You're happy with your lawyer's work?

18 THE DEFENDANT: Yes.

19 THE COURT: Just a couple of questions for your  
20 lawyer. Counsel, have you discussed this case with your  
21 client?

22 MS. WONG: Yes, I have.

23 THE COURT: Have you had any difficulty  
24 communicating with him?

25 MS. WONG: No, Your Honor.

1           THE COURT: Are you satisfied that Mr. Limmer  
2 understand the rights he'll be waiving if he decides to go  
3 ahead with the guilty plea?

4           MS. WONG: Yes, I do.

5           THE COURT: In your opinion, is he capable of  
6 understanding the nature of these proceedings?

7           MS. WONG: Yes.

8           THE COURT: Do you have any doubts as to his  
9 competency?

10          MS. WONG: No.

11          THE COURT: Have you advised him of the operation of  
12 the sentencing guidelines in this case?

13          MS. WONG: Yes, I have.

14          THE COURT: And have you advised him of the maximum  
15 sentence and other possible sentencing consequences?

16          MS. WONG: Yes, I have.

17          THE COURT: So in this case, there's a document  
18 called the indictment. It sets forth a number of allegations  
19 about violations of particular federal laws.

20                 This indictment happens to have a good amount of  
21 information at the front of it, but the counts in the  
22 indictment are as follows:

23                 Count 1 is conspiracy to smuggle goods into the  
24 United States. That charge lists overt acts that the  
25 government alleges were associated with that conspiracy.

1 Count 2 is smuggling goods into the United States.  
2 Count 3 is smuggling goods out of the United States.  
3 Count 4, smuggling goods out of the United States.  
4 Count 5, Lacey Act, false labeling.  
5 Count 6, Lacey Act, trafficking.

6 And then, also, there are criminal forfeiture  
7 allegations listed in the last couple pages of the indictment.  
8 Counsel, do you want me to read the indictment aloud?

9 MS. WONG: No, Your Honor.

10 THE COURT: Mr. Limmer, do you understand the  
11 charges against you?

12 THE DEFENDANT: Yes.

13 THE COURT: Have you discussed with your attorney  
14 what it is that the government would have to prove in order  
15 for you to be found guilty of each of these counts?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you want me to explain a little bit  
18 more what I'm asking, or do you understand the question?

19 THE DEFENDANT: I understand the question. That  
20 doesn't mean that there are not extenuating circumstances.

21 THE COURT: Hang on. I'm going to interrupt because  
22 there are several different stages of today's proceeding, and  
23 right now we're at the part where I need to make sure you have  
24 the background information for making your decision.

25 As we move towards the end of this, if you want to

1 go ahead with your decision to enter a plea, I'll ask you  
2 questions about what happened and if you want to make a  
3 statement after consulting with your attorney, you're free to  
4 do that.

5 THE DEFENDANT: Thank you.

6 THE COURT: Let me just make sure the record is  
7 clear. Do you understand what it is the government would have  
8 to prove in order for you to be found guilty of each of these  
9 charges that I just read?

10 THE DEFENDANT: Yes.

11 THE COURT: So as I understand it, under the plea  
12 agreement, what is proposed is that you're going to enter a  
13 plea of guilty with regard to the first count of the  
14 indictment, which is the conspiracy to smuggle goods into the  
15 United States in violation of a particular federal law, which  
16 is 18 United States Code, Section 371.

17 I'm going to ask the government to state the  
18 elements of that particular offense. So when I say elements,  
19 this is what the government would have to prove in order for  
20 you to be found guilty of this count.

21 MR. SHERMAN: Your Honor, the elements of the  
22 offense of conspiracy in violation of 18 U.S.C. 371 as  
23 follows: First, that two or more persons entered the unlawful  
24 agreement charged in the indictment starting on or about the  
25 date specified in the indictment.

1           Second, the defendant knowingly and willfully became  
2 a member of the conspiracy; third, one of the members of the  
3 conspiracy knowingly committed at least one of the overt acts  
4 charged in the indictment; and fourth, the admitted overt act  
5 or acts were committed to further some object of the  
6 conspiracy.

7           THE COURT: Just so everything is clear, you refer  
8 to the overt acts, is it that you're referring to the overt  
9 acts that begin in 18A and continue through 18E on pages six  
10 and seven of the indictment?

11           MR. SHERMAN: Yes, Your Honor.

12           THE COURT: And the underlying offense, which is  
13 smuggling goods into the United States, what are the elements  
14 of that?

15           MR. SHERMAN: The elements of the substantive  
16 underlying crime of smuggling goods into the United States in  
17 violation of 18 United States Code, Section 545 are as  
18 follows:

19           First, that the defendant imported or brought into  
20 the United States the merchandise in question; second, the  
21 defendant did so contrary to law; and third, the defendant  
22 knew the importation was contrary to law.

23           THE COURT: And the law that's referred particularly  
24 there is?

25           MR. SHERMAN: Here, Your Honor, two of the relevant

1 laws are 50 CFR Section 14.61, which requires importers of  
2 wildlife to file a signed and completed declaration; and 50  
3 CFR Section 4.91, which require fish and wildlife permits to  
4 import any wildlife for commercial purposes.

5 THE COURT: Mr. Limmer, do you understand the  
6 elements as just described by the government?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: I'm going to ask counsel, do you believe  
9 the government correctly stated the elements of the relevant  
10 offense in the conspiracy to smuggle goods into the United  
11 States?

12 MS. WONG: Yes, I do.

13 THE COURT: Now, I'm going to ask the government to  
14 describe what evidence it would offer at trial in order to  
15 prove that the defendant, in fact, committed the charge of  
16 conspiracy to smuggle goods into the United States.

17 MR. SHERMAN: Your Honor, if this case were to  
18 proceed to trial, the government would prove its case through  
19 witness testimony, including agent testimony, returns from  
20 search warrants, including electronic search warrant returns,  
21 including emails between the defendant and co-conspirators  
22 reflecting the agreement to smuggle the products into the  
23 United States, and to falsely label those products, as well as  
24 additional documents relating to the defendant's prior  
25 understanding of the requirements of fish and wildlife

1 services to have declarations and an import license, as well  
2 as photographs related to surveillance.

3 THE COURT: Did the government produce discovery to  
4 defense counsel in this case?

5 MR. SHERMAN: Yes, Your Honor.

6 THE COURT: So for defense counsel, did you review  
7 the discovery provided by the government?

8 MS. WONG: Yes, Your Honor.

9 THE COURT: Do you believe the government would be  
10 able to establish the elements of the offense to which it  
11 proposed your client is going to plead guilty based on the  
12 evidence?

13 MS. WONG: Yes, I do.

14 THE COURT: Did you review that evidence with your  
15 client?

16 MS. WONG: Yes, I have.

17 THE COURT: Do you believe Mr. Limmer understands  
18 the application of the law, and the elements of the count of  
19 conspiracy to smuggle goods into the United States to the  
20 evidence described by the government?

21 MS. WONG: Yes.

22 THE COURT: Did you and your client have sufficient  
23 opportunity to review the evidence?

24 MS. WONG: Yes, Your Honor.

25 THE COURT: Mr. Limmer, did you have a sufficient

1 opportunity to review the evidence provided by the government  
2 to you and your attorney?

3 THE DEFENDANT: Yes, on paper. Yes.

4 THE COURT: Do you understand the application of the  
5 law of the elements of the conspiracy to smuggle goods into  
6 the United States to the evidence and discovery provided by  
7 the government?

8 THE DEFENDANT: Yes.

9 THE COURT: At this point I'm going to go over some  
10 of your rights in this proceeding and rights that you would be  
11 giving up if you decide to go ahead with the guilty plea.

12 You have the right to plead not guilty, as you have  
13 already done, and you have the right to persist in that plea.  
14 So even if you are guilty, you have a choice. It's up to you  
15 to decide what to do in this case. It's not your lawyer's  
16 decision or your family's decision. It's just your decision.

17 You can withdraw your previously entered plea of not  
18 guilty and plead guilty, as I'm told you want to do, or you  
19 can choose to go to trial. If you would like to go to trial,  
20 you should persist in your plea of not guilty.

21 Do you understand that?

22 THE DEFENDANT: I do.

23 THE COURT: If you plead not guilty to the charges,  
24 or you persist in your plea of not guilty, you would have the  
25 right under the Constitution and laws of the United States to



1 a speedy and public trial before a jury with the assistance of  
2 your lawyer on the charges that are contained in the  
3 indictment.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: At any trial you would be presumed  
7 innocent. You wouldn't have to prove your innocence. Under  
8 the American legal system, the government has the burden of  
9 proving beyond a reasonable doubt that a defendant is guilty  
10 of the crime or crimes charged. If at trial the government  
11 failed to meet the burden of proof as to any count, the jury  
12 would have the obligation to find you not guilty as to that  
13 count.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Sometimes a jury can return a verdict of  
17 not guilty even though the jurors believe the defendant  
18 probably did commit the crimes that were charged. When a jury  
19 returns such a verdict, the jurors are not saying that they  
20 believe the defendant to be innocent. Instead, they are  
21 simply not convinced beyond a reasonable doubt that the  
22 defendant is guilty.

23 Do you understand that distinction?

24 THE DEFENDANT: Now I do.

25 THE COURT: If you were to go to trial in this case,

1 witnesses for the government would come to court and testify  
2 in your presence. Your lawyer would have the right to cross  
3 examine in each witness, to object to the evidence offered by  
4 the government, and to offer evidence on your own behalf.

5 Do you understand?

6 THE DEFENDANT: I understand.

7 THE COURT: You would have the right, or your lawyer  
8 would help you with the right, to subpoena or compel witnesses  
9 to come to court and testify.

10 Do you understand that right?

11 THE DEFENDANT: Yes.

12 THE COURT: At trial, you would have the right to  
13 testify on your own behalf if you wanted to do so, but you  
14 couldn't be forced to testify under the Constitution of the  
15 United States; under the laws of the United States, no one can  
16 be forced to testify against himself.

17 If you had a trial before the district judge, Judge  
18 DeArcy Hall, and you decided not to testify, the judge would  
19 instruct the jury that the jurors could not hold that fact  
20 against you.

21 Do you understand that?

22 THE DEFENDANT: I do understand that.

23 THE COURT: If you decide that you're not going to  
24 go to trial, and instead you're going to plead guilty to one  
25 of the crimes charged in the indictment and the district judge

1 accepts your plea, you'll be giving up your constitutional  
2 right to a trial and all the rights I just discussed.

3 Do you understand?

4 THE DEFENDANT: Yes. May I ask a question?

5 THE COURT: My suggestion is first ask your lawyer  
6 and see if you can figure it out, and then after that, you can  
7 ask me. It's up to you.

8 (Pause.)

9 THE DEFENDANT: It's been clarified to me.

10 THE COURT: Okay. So if you go ahead with the  
11 guilty plea there is not going to be a trial in your case. If  
12 the judge accepts your plea, she will enter a judgment of  
13 guilty based upon your plea.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: If you decide you want to plead guilty,  
17 I'm going to have to ask you questions about what you did in  
18 order to satisfy myself and Judge DeArcy Hall that you are  
19 guilty of the crime to which you plead guilty.

20 You'll have to answer my questions and acknowledge  
21 your guilt. In doing so, you'll be giving up your right not  
22 to testify against yourself.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: If you enter a plea of guilty today and

1 you admit the conduct in the criminal charge to which you're  
2 pleading guilty and the judge accepts your plea, you won't be  
3 able to appeal the question to a higher court of whether you  
4 committed the crime or not.

5 If you decide to plead guilty, then that question is  
6 over and it's been answered in the affirmative by you. Do you  
7 understand?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: Are you willing to give up your right to  
10 a trial and all the other rights I just discussed?

11 THE DEFENDANT: Yes, I am.

12 THE COURT: In your case, I have a document called  
13 the plea agreement. I have put a sticker on it. So it's  
14 marked as Court Exhibit 1. I may refer to them  
15 interchangeably. So I'm going to hold up the document, the  
16 plea agreement.

17 Did you read this whole document?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand everything in it?

20 THE DEFENDANT: Yes.

21 THE COURT: I'm going to start by looking at the  
22 last page, and then I'm going to go through some parts of the  
23 agreement in detail. In the middle of the last page, which is  
24 page 10, it has the following statements:

25 I have read the entire agreement and discussed it

1 with my attorney. I understand all of its terms and am  
2 entering into it knowingly and voluntarily.

3 Are those two sentences correct statements?

4 THE DEFENDANT: Yes.

5 THE COURT: Right below those statements on the copy  
6 that I have, I'm holding it up, your name is printed. There's  
7 a signature.

8 Is that your signature?

9 THE DEFENDANT: Yes.

10 THE COURT: Did you sign it?

11 THE DEFENDANT: She has the signature?

12 MS. WONG: Yes.

13 THE DEFENDANT: Yes.

14 THE COURT: I can show it to you.

15 THE DEFENDANT: I believe you. You're a judge.

16 THE COURT: That is definitely not good enough. I  
17 need you to confirm that that's your signature, if it is, in  
18 fact, your signature, about halfway down the page.

19 THE DEFENDANT: Yes.

20 THE COURT: Is that your signature?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you intend to sign the document and  
23 to indicate that you're bound by the agreement?

24 THE DEFENDANT: Yes. Whatever my lawyer says I  
25 trust.

1           THE COURT: Let me tell you something about what  
2 we're trying to do today. In your criminal case it's  
3 completely fine for a defendant to rely heavily on your  
4 lawyer. But this is a very, very key step in the case, and  
5 your decision making needs to be completely independent,  
6 knowing, and voluntarily.

7           You can make the decision in your head and in your  
8 heart based on what your lawyer tells you, and you decide if  
9 you trust what your lawyer says or not, but it can't keep  
10 going with this if it's based on you just trusting her. You  
11 need to independently make the decisions that are key to  
12 entering a plea.

13           There is nobody pressuring you to do it. I'll ask  
14 you if someone is pressuring you. We don't have to keep  
15 going. It's totally up to you. So let's go back to the --  
16 first of all, do you understand what I just said?

17           THE DEFENDANT: I do understand what you just said.

18           THE COURT: In signing that agreement, you confirmed  
19 that that was your signature. Did you intend to be bound by  
20 the entire agreement with the US government, which is in that  
21 document, which is right in front of you?

22           THE DEFENDANT: Yes.

23           THE COURT: I'm going to ask you more questions  
24 about it in a minute, but let me ask you about the signatures.  
25 For your attorney, did you sign where it says approved by?

1 MS. WONG: Yes, Your Honor.

2 THE COURT: And to my law clerk, do you mind showing  
3 the document to the government. Who signed on behalf of the  
4 government?

5 MR. SHERMAN: Yes, Your Honor. I signed, as well as  
6 my supervisor, Jay Matthew Hagins.

7 THE COURT: What was his role in this case?

8 MR. SHERMAN: Supervisor.

9 THE COURT: Does the government represent that Court  
10 Exhibit 1, the plea agreement, contains the entirety of any  
11 understanding that the United States Attorney's Office has  
12 reached with Mr. Limmer?

13 MR. SHERMAN: Yes.

14 THE COURT: And for defense counsel, have you read  
15 and reviewed the plea agreement, Court Exhibit 1, with Mr.  
16 Limmer?

17 MS. WONG: In its entirety, Your Honor.

18 THE COURT: Does the plea agreement, Court  
19 Exhibit 1, contain the entire agreement that your client has  
20 entered into with the United States government?

21 MS. WONG: Yes, Your Honor.

22 THE COURT: For Mr. Limmer, did you discuss the plea  
23 agreement with your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: Did you have a sufficient opportunity do

1 so?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand everything in the plea  
4 agreement?

5 THE DEFENDANT: I do understand it.

6 THE COURT: Other than the promises that are  
7 contained in Court Exhibit 1, the plea agreement, has anyone  
8 made any promises to you, any other promises to you that have  
9 caused you to plead guilty?

10 THE DEFENDANT: No.

11 THE COURT: So there's no side agreement? That's  
12 what my question is asking. Any side agreements? Anyone else  
13 make a promise?

14 THE DEFENDANT: Yes. I agree.

15 MS. WONG: I'm sorry, Your Honor. Can you repeat  
16 the question?

17 THE COURT: Other than the promises contained in the  
18 written agreement, which has been marked as Court Exhibit 1,  
19 this is the plea agreement, has anyone made any other promises  
20 that have caused you to plead guilty?

21 THE DEFENDANT: No.

22 THE COURT: Has anyone threatened you to get you to  
23 agree to this plea agreement?

24 THE DEFENDANT: No.

25 THE COURT: I'm going to go over some parts of the



1 plea agreement in detail, and I'm going to ask you a few more  
2 general questions.

3 As you can see, what's outlined in paragraph 1 of  
4 the plea agreement, Court Exhibit 1, is that you're going to  
5 plead guilty to Count 1 of the indictment, which charges you  
6 with a violation of 18 United States Code, Section 371.

7 As we talked about earlier, that is the first count  
8 in the indictment, which is conspiracy to smuggle goods into  
9 the United States.

10 The possible punishment associated with this count  
11 are as follows. They are outlined in the plea agreement. The  
12 maximum term of imprisonment is five years and the minimum  
13 term of imprisonment is none.

14 Do you understand those provisions?

15 THE DEFENDANT: Yes.

16 THE COURT: In the federal system, there is no  
17 parole. So if you are sentenced to a term of imprisonment,  
18 you should expect that you will serve all or almost all of  
19 that term of imprisonment in custody.

20 Do you understand?

21 THE DEFENDANT: Wow. Yes.

22 THE COURT: I say that because this is a serious  
23 decision. It's possible that the district judge, if she  
24 accepts your plea and sentences you, will give you a term of  
25 imprisonment. Do you understand?

1           THE DEFENDANT: Yes.

2           THE COURT: There is also a condition called  
3 supervised release. So supervised release is essentially  
4 probation. If you are put on supervised release and the  
5 maximum term of supervised release is three years, those three  
6 years would follow any term of imprisonment.

7           If you were to violate a condition of release, you  
8 could be sentenced for up to one year of imprisonment and that  
9 would be without credit for pre-release imprisonment or time  
10 previously served on post release supervision.

11          THE DEFENDANT: That presupposes that I live for  
12 three years.

13          THE COURT: We're all hoping that, and that's down  
14 the line. Yes. What I'm describing is basically what the  
15 rules are for everyone who would take a plea to this count.  
16 Just to be clear, this is what the judge has the authority to  
17 do, and we're going to talk about the sentencing guidelines in  
18 a minute and that's what the judge will take into account.

19          I can't tell you today what the sentence will be,  
20 but it is possible it would include imprisonment and it's  
21 possible it will include supervised release.

22          If you're on supervised release, you're subject to  
23 restrictions on your liberty such as having to report to a  
24 probation officer, how much you could travel could be limited,  
25 other limitations.

1 Do you understand supervised release?

2 THE DEFENDANT: I understand that.

3 THE COURT: There is a maximum fine that can be  
4 imposed. That is the greater of \$250,000 or twice the gross  
5 gain or twice the gross loss.

6 Do you understand that term?

7 THE DEFENDANT: I do understand it.

8 THE COURT: You have to be charged a \$100 special  
9 assessment. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: And then other penalties are criminal  
12 forfeiture. In your plea agreement, that is described in  
13 paragraphs 6 through 12. And in yours, it lists both money  
14 and many items. And those are described particularly in  
15 paragraph 6, which starts on page 5 and continues to page 7.

16 The criminal forfeiture, more generally, is  
17 described in paragraphs 6 through 12. So have you read those  
18 paragraphs of the plea agreement?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand them?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you have sufficient opportunity to  
23 review them with your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: Let me ask your lawyer a question. Is

1 there any concern about immigration consequences that I should  
2 review them here on the record?

3 MS. WONG: No, Your Honor.

4 THE COURT: You waive that?

5 MS. WONG: Yes.

6 THE COURT: So I'm going to explain how the  
7 sentencing process works. I believe your lawyer has gone over  
8 it with you before, but it's important so I want to make sure  
9 you understand it.

10 So in terms of the sentencing process, as I  
11 mentioned earlier, the judge who is going to make the  
12 sentencing decision will review the transcript from today's  
13 proceeding and decide whether she's going to accept your plea.

14 If she accepts your plea, she will go ahead with the  
15 sentencing process. The judge does not have complete  
16 discretion to impose a sentence outside of the minimum and  
17 maximum sentences set forth in the statute, and that we just  
18 reviewed. The maximum being five years and the minimum being  
19 zero years. Do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: The judge's process for deciding what  
22 your sentence is going to be is a multistep process. First,  
23 she considers what are called the advisory sentencing  
24 guidelines. They have been prepared by a government group  
25 called the United States Sentencing Commission.

1           They were written to help a judge decide what is a  
2 reasonable sentence in a criminal case. So these guidelines  
3 are only advisory, but the judge will take them into account  
4 in determining what sentence to give you.

5           Have you discussed the sentencing guidelines with  
6 your attorney?

7           THE DEFENDANT: Yes.

8           THE COURT: The judge's second step is to consider  
9 whether there are factors present that would allow the judge  
10 to depart from the advisory sentencing guidelines. Sometimes  
11 a judge can depart upwardly and sometimes a judge can depart  
12 downwardly.

13           Third, the judge will consider factors that are  
14 included in a particular statute, which is called 18 United  
15 States Code, Section 3553(a). The Judge weighs the factors  
16 against the facts and circumstances of your case.

17           After doing all of that analysis, the judge will  
18 decide whether she's going to impose a guideline sentence or a  
19 non-guideline sentence. The bottom line is, though, until the  
20 date of sentencing, you cannot know with certainty what the  
21 sentencing guidelines will be for your case or whether the  
22 judge will have grounds to depart from them, or whether the  
23 judge will impose a guideline sentence or a non-guideline  
24 sentence.

25           Do you understand? You look a little surprised by

1 what I just said.

2 THE DEFENDANT: I'm going to say I understand, but I  
3 couldn't keep track of all of it.

4 THE COURT: So let me just go back a little bit. We  
5 talked about what the possible penalties are, and then what I  
6 was trying to tell you is that when the judge who is making  
7 the decision about whether to sentence you, assuming she  
8 accepts your plea for the moment and she's going to give you a  
9 sentence, she has to consider a lot of information in making  
10 her decision.

11 The first thing she considers are these advisory  
12 sentencing guidelines. Basically, I have them over here.  
13 It's a very thick set of books that talks about all of the  
14 federal crimes that there are, and provides information for  
15 things the judge considers important, or not as important, and  
16 how a judge might weigh them because the federal system covers  
17 the entire United States and, basically, the sentencing  
18 commission wants all the judges to have at least the same  
19 starting point when thinking about a sentence.

20 So first, the judge will think about the sentencing  
21 guidelines, and we're going to talk in a minute about what the  
22 estimates are for your case.

23 But they won't be set until the date of sentencing.  
24 And the next step is for the judge to consider if there is  
25 anything about your case that would mean that she should go

1 higher than the sentencing guidelines or lower than the  
2 sentencing guidelines.

3 After she's done all her work about the sentencing  
4 guidelines, then she looks at a different law, that's a  
5 particular statute. The number of the statute is 18 United  
6 States Code, Section 3553(a). She thinks about the factors,  
7 about your situation and what happened, and integrates her  
8 work on the guidelines with her work about the 18 U.S.C.  
9 Section 3553(a) factors.

10 So it's a lot of work and a lot of thinking about  
11 the particulars of your case. After she's done all of that,  
12 she'll make a decision as to what your sentence will be.

13 Here we are in March, and let's see if we have a  
14 sentencing date. It's not for several months. We'll get to  
15 this. The sentencing date is scheduled for October 4th of  
16 2024.

17 So, basically, and I'll tell you a little bit more  
18 about this, what happens between now and then is that the  
19 probation office will prepare a report about you. They'll  
20 interview you. They'll talk to people about the case.  
21 They'll review all the paperwork, and after the probation  
22 department makes a recommendation and gives their report to  
23 the judge, you and your lawyer and the government's lawyer can  
24 provide information to the judge. And then there will be a  
25 hearing and you can talk to the judge. The government and

1 your lawyer can talk to the judge. So after all of that  
2 information is presented to the judge, she'll make a decision  
3 about your sentence.

4 But for now, the main question is, do you understand  
5 the process that the judge will go through to make a  
6 sentencing decision?

7 THE DEFENDANT: Now I do.

8 THE COURT: Okay. It also means that until you get  
9 to the date of sentencing, which is currently scheduled for  
10 October, you can't know, nobody here can know definitively  
11 what the sentencing guidelines will be for your case, or what  
12 the judge's decision will be.

13 Do you understand?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Do you need to take a break?

16 THE DEFENDANT: No. I'm getting a second wind now.

17 THE COURT: To go back to the sentencing guidelines,  
18 as I said, right now we can only have an estimate because all  
19 of the information about the relevant circumstances may not be  
20 available. There might be a mistake in the information  
21 available, or information might change between now and the  
22 time of sentencing.

23 But I'm going to ask the government to give its  
24 current best estimate as to what the sentencing guidelines  
25 will say about your case.



1           The government's position is outlined in  
2 paragraph two of the plea agreement, but I'm going to ask them  
3 to state it on the record.

4           MR. SHERMAN: Yes, Your Honor. Assuming the  
5 defendant continues to accept responsibility through  
6 sentencing, the government's best estimate is that the  
7 defendant would be in an adjusted offense level of 13 and  
8 Criminal History Category of I, which would carry a range of  
9 imprisonment of 12 to 18 months imprisonment.

10          THE COURT: Let me focus on one thing in that  
11 paragraph, which is in, at least in the copy I have, it has a  
12 date plea date of 12-15-2023.

13          Are you in agreement that should be updated?

14          MR. SHERMAN: Your Honor, I apologize. That is  
15 correct. The date is wrong. I meant through the date of the  
16 plea agreement.

17          THE COURT: Let me ask my law clerk to give you a  
18 copy of the plea agreement. The date should be at least  
19 today. If you could update that and initial it. Defense  
20 counsel and the defendant should initial it.

21          So the date that was in paragraph two previously as  
22 12-15-23 has been changed to 2-27-24, which is today. So for  
23 the government, did you initial this change and you agree with  
24 it?

25          MR. SHERMAN: Yes, Your Honor.

1           THE COURT: And, defense counsel, did you initial  
2 the change and do you agree with it?

3           MS. WONG: Yes, Your Honor.

4           THE COURT: And Mr. Limmer?

5           THE DEFENDANT: Yes.

6           THE COURT: Let's get back to the main point. In  
7 sum, what is the government's estimate as to what the  
8 sentencing guidelines will be and what range of imprisonment  
9 does that carry?

10          MR. SHERMAN: Yes, Your Honor. The government's  
11 estimate is that there would be an adjusted offense level of  
12 13, which assuming the defendant is a Criminal History  
13 Category I would be a range of imprisonment of 12 to  
14 18 months.

15          THE COURT: Mr. Limmer, do you understand the  
16 government's estimate with regard to the sentencing  
17 guidelines?

18          THE DEFENDANT: I understood, but do not agree with  
19 it.

20          THE COURT: Let me ask your attorney, do you agree  
21 -- do you agree the government -- let me ask a different  
22 question.

23                 What is your estimate as to the sentencing  
24 guidelines? But I will note the last sentence of  
25 paragraph two says the defendant stipulates to the above

1 guidelines calculation.

2 MS. WONG: Your Honor, defense counsel does agree to  
3 stipulate to that guidelines calculation, and I believe the  
4 defendant would also stipulate to that calculation but is,  
5 perhaps, hoping for a different sentence.

6 THE COURT: As we've talked about, there are lots of  
7 factors for the judge to consider, the whole sentencing  
8 guidelines process and the other statute the judge needs to  
9 consider.

10 But this is where this is all going to start with  
11 what appears to be a possible sentencing guidelines  
12 calculation of a level that would lead to a term of  
13 imprisonment of 12 to 18 months as the possible range of  
14 imprisonment.

15 Let me ask Mr. Limmer. Do you understand, first,  
16 that this says that you stipulate to the above guidelines  
17 calculation?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand what that means?

20 THE DEFENDANT: Yeah.

21 THE COURT: This estimate is not binding on the  
22 government, probation department, or the Court. And if the  
23 estimate is wrong, that's not going to be a basis upon which  
24 you can withdraw your plea of guilty.

25 Do you understand?

1           THE DEFENDANT: I do understand. I ain't going to  
2 make it for 18 months anyway.

3           THE COURT: Well, this whole system --

4           THE DEFENDANT: Yes.

5           THE COURT: -- is based on the understanding that  
6 you're making a choice about your life, and that there are  
7 consequences to those choices and everybody hopes that you  
8 live with them and move beyond them.

9           THE DEFENDANT: You're making a choice about my life  
10 but fine, yes.

11          THE COURT: Do you understand that the district  
12 judge will sentence you according to her interpretations of  
13 the sentencing guidelines and the applicable law? Do you  
14 understand that?

15          THE DEFENDANT: Yes.

16          THE COURT: Just to be sure, the judge has the  
17 authority under the law to decide upon and impose a sentence  
18 that is possibly more severe or possibly less severe than the  
19 sentencing guidelines provide for.

20          Do you understand that?

21          THE DEFENDANT: Yes.

22          THE COURT: Included in this agreement in  
23 paragraph four is a provision that is an appellate waiver. So  
24 it says that the defendant agrees not to file an appeal or  
25 otherwise challenge by petition, pursuant to 28 United States

1 Code Section 2255, or any other provision of conviction or  
2 sentence in the event that the Court imposes a term of  
3 imprisonment of 21 months or below.

4 Do you understand that appellate waiver?

5 THE DEFENDANT: I understand it.

6 THE COURT: Are you in agreement with it?

7 THE DEFENDANT: No.

8 THE COURT: Well, it's a key part of this agreement.  
9 Do you want to take a moment and discuss it with your  
10 attorney?

11 THE DEFENDANT: I'm going to add to whatever my  
12 attorney tells me to answer.

13 THE COURT: We can't do it that way. You can  
14 certainly take your attorney's advice. I'm going to let you  
15 have a private conversation. Let me know when you're ready.

16 (Pause.)

17 MS. WONG: Thank you, Your Honor. We're ready to go  
18 on the record.

19 THE COURT: Mr. Limmer, did you have enough time to  
20 speak to your attorney about whatever your concern is?

21 THE DEFENDANT: Yes.

22 THE COURT: So what we were talking about was the  
23 appellate waiver, which says in sum that you're not going to  
24 appeal directly or indirectly if the Court gives you a term of  
25 imprisonment of 21 months or below.

1 Do you understand that appellate waiver?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you agree with it now after you had  
4 the opportunity to speak with your attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: Did anyone force you to agree to that  
7 appellate waiver?

8 THE DEFENDANT: No.

9 THE COURT: Let's just go back to the overall plea  
10 agreement and make sure you are in agreement with it. You  
11 said earlier that you read the entire plea agreement; is that  
12 correct?

13 THE DEFENDANT: Yes.

14 THE COURT: You understand everything in it?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you in agreement with what it says?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you want to go ahead with the guilty  
19 plea subject to this plea agreement?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you doing so knowingly and  
22 voluntarily?

23 THE DEFENDANT: Yes.

24 THE COURT: Is there anything about your health,  
25 either your mental health or your physical health, that would

1 interfere with your ability to understand the entire plea  
2 agreement?

3 THE DEFENDANT: No.

4 THE COURT: Do you have any questions about anything  
5 that we've covered that you want to raise with your attorney  
6 or with me or have your attorney raise with me?

7 THE DEFENDANT: No.

8 THE COURT: Counsel, do you know of any reason why  
9 your client should not plead guilty to the first count of the  
10 indictment?

11 MS. WONG: No, Your Honor.

12 THE COURT: And, in your opinion, is it in Mr.  
13 Limmer's best interest to proceed with the guilty plea?

14 MS. WONG: Yes.

15 THE COURT: And in your professional opinion, is it  
16 in his best interest to proceed with the guilty plea subject  
17 to the plea agreement, which is Court Exhibit 1?

18 MS. WONG: Yes.

19 THE COURT: Given that your client has many health  
20 issues, do you believe he's in good enough mental and physical  
21 health to go ahead with the guilty plea?

22 MS. WONG: Yes.

23 THE COURT: Before we go ahead with that, is there  
24 anything the government wants to say?

25 MR. SHERMAN: Not at this time, Your Honor. I would

1 ask for just one moment to quickly confer with defense  
2 counsel.

3 THE COURT: Yes. Let us know when you're ready.  
4 (Pause.)

5 MR. SHERMAN: We're ready, Your Honor.

6 THE COURT: Mr. Limmer, at this point are you ready  
7 to plead?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you need an opportunity speak with  
10 your attorney before you do so?

11 THE DEFENDANT: No.

12 THE COURT: So what I understand -- let me ask you,  
13 I'm going to ask you about the count and then I'm going to ask  
14 you what it is that you did such that you are, in fact, guilty  
15 of the count to which you are pleading guilty, and then I need  
16 you to tell me what it is that you did in your own words.  
17 Those are the next steps in this process. Okay?

18 THE DEFENDANT: Yes.

19 THE COURT: So with regard to the first count of the  
20 indictment, which is the count of conspiracy to smuggle goods  
21 into the United States in violation of federal law,  
22 specifically 18 United States Code Section 371, how do you  
23 plead, guilty or not guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: Now, I have to ask you what is it that



1 you did such that you are, in fact, guilty of that count.

2 Tell me in your own words.

3 THE DEFENDANT: I am guilty of importing butterfly  
4 specimens after my license was rescinded.

5 MS. WONG: Can you please read the statement?

6 THE DEFENDANT: I should read this?

7 THE COURT: Let me tell you a couple of things and  
8 you can speak with your lawyer. You remember earlier in this  
9 proceeding we went over the elements, and the elements are  
10 what the government would have to prove in order to show that  
11 you're guilty of Count 1 of the indictment.

12 So if you were pleading guilty, you need to tell me  
13 information, truthful information, that would show that you  
14 satisfy the elements of the count.

15 THE DEFENDANT: I feel confident that the government  
16 can prove that I violated the law by importing butterfly  
17 specimens without a proper import permit.

18 THE COURT: You can consult with the paper, but I  
19 need to hear in your own words a few more details, if you have  
20 a full statement. You can't directly read anything to me.  
21 You have to tell me in your own words. You can consult with  
22 the paperwork.

23 One way we can do this is that you can question your  
24 client as to the elements, and then depending on your answers  
25 we'll see if there is complete allocution. That might be an

1 easier way to do this, instead of trying to remember  
2 everything that needs to be covered.

3 MS. WONG: Would you like me to read an allocution?  
4 Mr. Limmer, between October 2022 and September 2023, did you,  
5 together with others, conspire to smuggle wildlife into the  
6 United States, including protected species of Birdwing  
7 butterflies by directing co-conspirators to falsely label  
8 shipments of wildlife, which were being imported into the  
9 United States?

10 THE DEFENDANT: Yes.

11 MS. WONG: Is it also true that at that time you  
12 lacked a valid commercial importing wildlife license?

13 THE DEFENDANT: That's correct.

14 MS. WONG: Is it also correct that you did not file  
15 the required wildlife importation declarations with fish and  
16 wildlife services?

17 THE DEFENDANT: Yes.

18 MS. WONG: And were these shipments received in  
19 Commack, New York?

20 THE DEFENDANT: Yes.

21 MS. WONG: Is that allocution sufficient?

22 THE COURT: When did this happen, the dates again?

23 MS. WONG: Between October 2022 and September 2023.

24 THE COURT: Are those the correct dates?

25 MR. SHERMAN: Yes, Your Honor.

1 THE COURT: And for Mr. Limmer?

2 THE DEFENDANT: Yes.

3 THE COURT: Did you knowingly and willfully join in  
4 the unlawful agreement with your co-conspirators?

5 THE DEFENDANT: Yes, I did.

6 THE COURT: And defense counsel, does your client  
7 want to add anything to that?

8 MS. WONG: No, Your Honor.

9 THE COURT: Government, is that a satisfactory  
10 allocution?

11 MR. SHERMAN: Yes, Your Honor.

12 THE COURT: Mr. Limmer, are you making this guilty  
13 plea voluntarily and of your own free will?

14 THE DEFENDANT: Yes, I am.

15 THE COURT: Has anyone threatened or forced or  
16 pressured you to plead guilty?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Other than the plea agreement, which is  
19 Court Exhibit 1, has anyone made any promises to you that has  
20 caused you to plead guilty?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Has anyone promised you or made you any  
23 promises as to what sentence you would receive from the  
24 district judge if you pled guilty?

25 THE DEFENDANT: No, Your Honor.

1           THE COURT: Are you feeling well enough to go ahead  
2 with this plea?

3           THE DEFENDANT: Yes, I am.

4           THE COURT: I can tell, Mr. Limmer, you wanted to  
5 say some things. You are welcome to put them on the record.  
6 I am not the judge who makes the decision to accept your plea  
7 or your sentence.

8           So if you want them on the record now, you can make  
9 those statements, but you can also save them for probation and  
10 the judge who is doing the sentence, which is currently Judge  
11 DeArcy Hall.

12           THE DEFENDANT: So I should wait until I'm before  
13 Judge DeArcy Hall before I make that statement?

14           THE COURT: It's up to you, but she's the only one  
15 who makes the sentencing decision. If you say it now, she'll  
16 just be reading it in the record as compared to reading it in  
17 the record and hearing it from you.

18           THE DEFENDANT: I will wait to make my statement to  
19 her.

20           THE COURT: Okay. Based on information provided  
21 here today by the U.S. Attorney's Office, by defense counsel,  
22 and by Mr. Limmer, I believe Mr. Limmer is acting knowingly  
23 and voluntarily, that he's in good enough health, both  
24 mentally and physically to go ahead with this change of plea  
25 hearing, that he fully understands the charges against him,

1 particularly the counts of conspiracy to smuggle goods into  
2 the United States, Count 1 of the indictment, and he  
3 understands his rights, the rights he'll be waiving by going  
4 ahead with the plea, and he understands the consequences of  
5 his plea.

6 I believe there is a factual basis for the plea and  
7 his allocution that he just stated on the record. So,  
8 therefore, I respectfully recommend to the district judge that  
9 she accept Mr. Limmer's guilty plea to Count 1 of the  
10 indictment, which is a count of conspiracy to smuggle goods  
11 into the United States in violation of 18 United States Code  
12 Section 371.

13 The sentencing date is currently scheduled for  
14 October 4, 2024, at noon before Judge DeArcy Hall. If for any  
15 reason that date needs to change, you need to contact Judge  
16 DeArcy Hall's chambers.

17 As I mentioned earlier, there will be a report  
18 prepared about you, Mr. Limmer, by the probation department.  
19 So let me ask your attorney, would you like us to let  
20 probation know that you would like to be part of the interview  
21 process for preparing that document?

22 MS. WONG: Yes, please.

23 THE COURT: We'll do that. Obviously, Mr. Limmer is  
24 not in custody. I assume that there's a bond; is that  
25 correct?

1 MR. SHERMAN: Yes, Your Honor.

2 THE COURT: Is there any reason that any of the  
3 conditions should change?

4 MR. SHERMAN: No, Your Honor.

5 MS. WONG: No, Your Honor.

6 THE COURT: Okay. We're going to give the original  
7 plea agreement to the government to keep in its custody, given  
8 that there's some changes and there's a signature. I ask that  
9 the government provide a copy to defense counsel.

10 Is there anything else we should put on the record  
11 here today?

12 MR. SHERMAN: Nothing from the government.

13 MS. WONG: Nothing from the defense, Your Honor.

14 THE COURT: I'll note, Mr. Limmer's wife has been  
15 present in the courtroom for the plea. Anything else? We're  
16 good. Thank you. Take care.

17 (Proceedings concluded at 4:55 p.m.)

18 - - - - -

19 I certify that the foregoing is a correct transcript  
20 from the record of proceedings in the above-entitled matter.

21

22 /S/ Nicole Sesta, RMR, CRR  
23 Court Reporter/Transcriber

24 March 5, 2024  
25 Date